



#3/petition
To Make
Special

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant - William P. Young
Serial No. - 09/761,993
Filed - 01/17/01 : Petition to Make Special
For - LASER ONYCHECTOMY BY
RESECTION OF THE
REDUNDANT EPITHELIUM
OF THE UNGUAL CREST :

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231,

2-23-01

Cheryl Gasaway
Cheryl Gasaway

February 23, 2001
Date of Signature

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Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL

Applicant hereby petitions the Commissioner to make this application Special under 37 CFR 1.102 so that the prosecution thereof may be expedited. The appropriate fee under 37 CFR 1.17(i) is enclosed.

manicure
nail device
manicuring
input
lot of people
A pre-examination search was made in class 606, subclasses 9, 10 and 12; class 424, subclass 61; class 132, subclass 73; and class 623, subclass 57. One copy of each reference most closely related to the subject matter encompassed by the claims accompanies this petition, and each reference is discussed in detail herein.

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DISCUSSION

U.S. Patent No. 6,060,461 (the '461 patent) entitled "TOPICALLY APPLIED CLOTting MATERIAL" relates to the field of topical applications for the reduction of

bleeding. This patent also discloses that lasers can cauterize and seal vessel and organ wounds. Conventional surgery to remove the claws of domestic cats is discussed as possibly resulting in considerable bleeding unless precautions are taken.

Applicant's invention is patentable over the '461 patent because the '461 patent discloses only that lasers are capable of tissue cauterization and may be used in combination with a topically-applied material. The '461 patent neither discloses nor suggests the use of a laser for surgically removing feline claws nor does it disclose or suggest the particular method claimed by Applicant. In particular, the '461 patent does not discuss incising skin and applying traction to displace the skin, nor does it discuss incising other tissue while applying traction to the claw.

U.S. Patent No. 5,060,678 (the '678 patent) is entitled "ARTIFICIAL NAIL AND IMPLANTATION TECHNIQUES". This patent is directed to an artificial human nail implant, and discusses the fact that in the past the radial excision of nails has been varied between surgical excision of the matrix and excision of the nail plate to chemosurgical destruction, to fulgeration by laser of the matrix cells. Also, the '678 patent discloses that all surgical procedures to remove nails have generally accomplished their aims, that is to destroy the nail so there is no regrowth. Once a nail is destroyed to cure the ailment, a prosthetic nail is attached in its place. The '678 invention seeks to overcome problems associated with prior art treatments of human fingernail chronic afflictions.

Applicant's invention is patentable over the '678 patent, because the '678 patent discloses an artificial nail implantation for human fingernails and does not suggest using a laser to remove either human nails or animal claws. In particular, the '678 patent does not discuss incising skin and applying traction to displace the skin, nor does it discuss incising other tissue while applying traction to the claw.

U.S. Patent No. 5,782,249 (the '249 patent) is entitled "LASER MANICURE PROCESS". This patent discloses a process that includes the step of providing laser radiation to cut or score human nails for decorative purposes. The nails are subsequently coated with colored lacquers to provide a multicolored design where stimulated by the laser. Thus, the invention is a method for decorating fingernails with high energy laser radiation, and the laser beam is of sufficient intensity to cut the nail.

Applicant's invention is patentable over the '249 patent, because the '249 patent is an invention directed to cutting and decorating human fingernails to provide an aesthetic appearance to the nails. Although the '249 patent discloses cutting fingernails with a laser, there is no suggestion to use the laser to remove cat claws by severing the claw connection beneath the dermal layer. The '249 patent focuses the laser on the visible fingernail portion, but Applicant's invention is directed to the use of a laser to remove domestic cat claws by severing the tissue that connects the claw to the adjacent phalange. In particular, the '249 patent does not discuss incising skin and applying traction to displace the skin, nor does it discuss incising other tissue while applying traction to the claw.

U.S. Patent No. 6,165,170 (the '170 patent) is entitled "LASER DERMABLATOR AND DERMABLATION". This patent is directed to a laser system and method that enables removal of skin while minimizing collateral damage to the skin underlying the treated region. The '170 patent discloses a laser as a preferred light source that is useful to treat, as an example of the closest technology, a localized fungal infection of the toenail, because the laser can ablate the infection to the desired depth without damaging the underlying tissue.

Applicant's invention is patentable over the '170 patent, because the '170 patent is directed to a system of using a laser to treat human finger and toe nails and remove human skin. Specifically, the '170 invention is to a process of using a laser to peel unwanted tissue from a

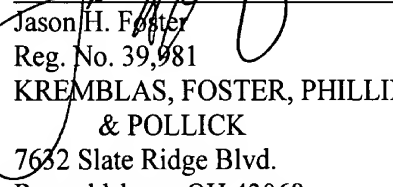
human without damaging underlying tissue. In addition, the '170 patent suggests several types of lasers for use in the disclosed method depending on the desired depth of laser penetration and to which human tissue the laser will be applied. Applicant administers the technique on only one area of the cat and does so with a series of steps not taught in the "170 patent. Although the '170 patent also suggests the use of a laser to remove infected toenail tissue, the '170 patent does not suggest the use of a laser to remove cat claws in the process claimed by Applicant. In particular, the '170 patent does not discuss incising skin and applying traction to displace the skin, nor does it discuss incising other tissue while applying traction to the claw.

The applicant therefore respectfully petitions that an order be issued directing the above-entitled application be made "Special".

The Commissioner is authorized to charge Deposit Account No. 13-3393 for any insufficient fees under 37 CFR §§ 1.16 or 1.17, or credit any overpayment of fees.

Respectfully submitted,

22 Feb. 2001
Date of Signature


Jason H. Foster
Reg. No. 39,981
KREMBLAS, FOSTER, PHILLIPS
& POLLICK
7632 Slate Ridge Blvd.
Reynoldsburg, OH 43068
614/575-2100

Our File No.: YOUNF 100

Enclosures: Return receipt postcard
Transmittal Form
Fee Transmittal Form
Check in the amount of \$130.00
Copies of References